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| PROB 12B (Rev. 08/18) | | | | SUPERVISION REPORT REQUEST FOR MODIFYING THE CONDITIONS OR TERM OF SUPERVISION WITH THE CONSENT OF THE OFFENDER (Probation Form 49, Waiver of Hearing is Attached) | | U. S. Probation Office Eastern District of Michigan | | PACTS 3912243 | | DATE 04/28/2020 | |
| NAME COLES, Joshua | | | | OFFICER Dennis P. Favor | | JUDGE Gershwin A. Drain | | | | DOCKET # 18-CR-20254-01 | |
| ORIGINAL SENTENCE DATE 12/19/2018 TO COMMENCE 12/10/2020 TO EXPIRE 12/09/2023 | | SUPERVISION TYPE Supervised Release | | CRIMINAL HISTORY CATEGORY II | | TOTAL OFFENSE LEVEL 19 | | PHOTO  | | | |
| REPORT PURPOSE REQUEST TO MODIFY CONDITIONS | | | | | | | | | | | |
| RECOMMENDATION MODIFICATION | | | | | | | | | | | |
| ORIGINAL OFFENSE Count 3, 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, Distribution of Heroin; Aiding and Abetting | | | | | | | | | | | |
| SENTENCE DISPOSITION Custody of the Bureau of Prisons for a term of 24 months, to be followed by a three-year term of supervised release. | | | | | | | | | | | |
| ORIGINAL SPECIAL CONDITIONS <ol style="list-style-type: none"> 1. The defendant shall be lawfully and gainfully employed on a full-time basis, or shall be seeking such lawful, gainful employment on a full-time basis. "Full-time" is defined as 40 hours per week. In the event that the defendant has part-time employment, he/she shall devote the balance of such 40 hours per week to his/her efforts of seeking additional employment. 2. The defendant shall enroll and participate in a Cognitive Behavior Therapy program (CBT) as approved by the probation officer, if necessary. 3. The defendant shall participate in a program approved by the probation department for substance abuse, which may include testing to determine if the defendant has reverted to the use of drugs or alcohol, if necessary. Criminal Monetary Penalty: Special Assessment \$100.00 (paid). | | | | | | | | | | | |

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PETITIONING THE COURT

To modify the condition(s) of supervised release as follows:

Add:

“The offender shall submit to a search of his person, property, house, residence, vehicle, papers, [computers (as defined in 18 U.S.C. 1030(e)(1)), other electronic communications or data storage devices or media,] or office, to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. The offender shall warn any other occupants that the premises may be subjected to searches pursuant to this condition. The offender shall permit confiscation and/or disposal of any material considered to be contraband or any other item which may be deemed to have evidentiary value of violations of supervision. “

On March 26, 2020, COLES signed a Probation Form 49, Waiver of Hearing to Modify Conditions of Probation/ Supervised Release.

CAUSE

On December 19, 2018, your Honor sentenced COLES to 24 months custody followed by a three-year term of supervised release for the offense of Distribution of Heroin; Aiding and Abetting. COLES is currently at Elkton Federal Correctional Institution with a release date of December 10, 2020. While at the Bureau of Prisons (BOP) COLES has requested to release to the Northern District of Georgia. Final approval of the release plan is based on the offender’s cooperation to agree to a modification of special conditions to include a search condition. The offender did voluntarily sign the attached waiver.

As noted above, COLES signed the Probation Form 49. He has been advised of his right to counsel in this matter and has agreed to waive this right by signing the attached waiver of hearing form.

A criminal record check completed through Access to Law Enforcement Systems (ATLAS) conducted on April 27, 2020, revealed no new criminal activity. COLES has an outstanding warrant through 36th District Court, Detroit, Michigan, for Failure Appear on a Disorderly Conduct charge.

If your Honor agrees with this recommendation, please indicate below and return this correspondence to the probation department. If your Honor does not agree, please indicate below and direct the probation department as to how the Court wishes to proceed.

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| Should your Honor have any questions or concerns, this writer may be reached at the number below. | | | | | | |
| SENIOR PROBATION OFFICER s/Dennis P. Favor/slg/jdj 313 234-5433 | | | | DISTRIBUTION Court | | |
| SUPERVISING PROBATION OFFICER s/Russell W. LaForet 313 234-5269 | | | | PROBATION ROUTING Data Entry | | |
| THE COURT ORDERS: <input checked="" type="checkbox"/> Modification as Noted Above <input type="checkbox"/> Other | | | | | | |
| <div style="text-align: right;"> <u>s/Gershwin A. Drain</u> United States District Judge <u>April 28, 2020</u> Date </div> | | | | | | |